

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

FILED
2005-08-18

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U.S. DISTRICT COURT

JDS UNIPHASE CORPORATION)
BENEFITS COMMITTEE OF THE)
JDS UNIPHASE CORPORATION)
EMPLOYEE 401(K) RETIREMENT)
PLAN,)
Plaintiff)

vs.)

DAVID M. KORNACKI, ET AL)
Defendants)

CIVIL ACTION NO. 05-11499-MAP

**ANSWER OF THE DEFENDANT, MABEL TAVARES,
TO THE CROSSCLAIM OF DAVID M. KORNACKI, AS ADMINISTRATOR
OF THE ESTATE OF KEVIN P. KORNACKI**

Now comes the defendant-in-crossclaim, Mabel Tavares, and answers the crossclaim as follows:

1. The defendant neither admits nor denies the allegations contained in paragraph 1 of the crossclaim and states that no further response is necessary.
2. The defendant admits the allegations contained in paragraph 2 of the crossclaim except that it denies the allegation that Administrator Kornacki has standing to bring a crossclaim.
3. The defendant admits the allegations contained in paragraph 3 of the crossclaim.
4. The defendant neither admits nor denies the allegations contained in paragraph 4 of the crossclaim and calls upon the plaintiff to prove the same.
5. The defendant neither admits nor denies the allegations contained in paragraph 5 and states that no further answer is necessary.
6. The defendant admits the allegations contained in paragraph 6 of the crossclaim.
7. The defendant denies the allegations contained in paragraph 7 and paragraph 8 of the crossclaim.

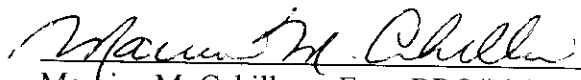
8. The defendant admits the allegations contained in paragraph 9 and paragraph 10 of the crossclaim.
9. The defendant neither admits nor denies the allegation contained in paragraphs 11, 12, 13, 14, 15 and 16 of the crossclaim and states that the documents speak for themselves.
10. The defendant admits the allegations contained in paragraph 17 and paragraph 18 of the crossclaim.
11. The defendant neither admits nor denies the allegations contained in paragraph 19 of the crossclaim and states that the document speaks for itself.
12. The defendant admits the allegation contained in paragraph 20 of the crossclaim.
13. The defendant neither admits nor denies the allegations contained in paragraphs 21, 22, 23 and 24 of the crossclaim and states that no answer is necessary or that documents speak for themselves.
14. The defendant admits the allegations contained in paragraph 25 of the crossclaim.
15. The defendant neither admits nor denies the allegations contained in paragraphs 26, 27 and 28 of the crossclaim and states that either no answer is required or that the documents speak for themselves.
16. The defendant neither admits nor denies the allegations contained in paragraph 29 of the crossclaim.
17. The defendant neither admits nor denies the allegations contained in paragraph 30 of the crossclaim and states that no further answer is required.
18. The defendant denies the allegations contained in paragraph 31 and paragraph 32 of the crossclaim.
19. The defendant neither admits nor denies the allegations contained in paragraph 33 of the crossclaim and calls upon the plaintiff to prove the same.
20. The defendant denies the allegations contained in paragraph 34 of the crossclaim.
21. The defendant neither admits nor denies the allegations contained in paragraphs 35, 36 and 37 of the crossclaim and states that either no answer is required or that the documents speak for themselves.
22. The defendant denies the allegations contained in paragraphs 38, 39, and 40 of the crossclaim.

23. The defendant neither admits nor denies the allegations contained in paragraphs 41, 42, 43, 44 and 45 of the crossclaim and states that either no answer is required or that the documents and regulations speak for themselves.
24. The defendant denies the allegations contained in paragraph 46 of the crossclaim.
25. The defendant neither admits nor denies the allegations contained in paragraph 47 of the crossclaim and states that no answer is required.
26. The defendant denies the allegations contained in paragraphs 48, 49 and 50 of the crossclaim and states that any such documents speak for themselves and does admit to entering into an agreement.
27. The defendant neither admits nor denies allegations contained in paragraph 51 of the crossclaim and states that no further answer is required.
28. The defendant admits the allegations contained in paragraph 52 of the crossclaim.
29. The defendant denies the allegations contained in paragraph 53 and paragraph 54 of the crossclaim.
30. The defendant neither admits nor denies the allegations contained in paragraphs 55, 56, 57, 58, 59 and 60 of the crossclaim.

WHEREFORE, the defendant-in-crossclaim prays that:

1. Judgment be entered in her favor.
2. Any declaration that is entered affirm her rights to the monies received.
3. She be awarded attorneys fees, costs and interest in this action.

DEFENDANT, MABEL TAVARES,
BY HER ATTORNEY


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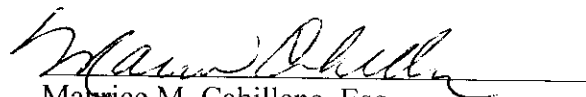
CERTIFICATE OF SERVICE

I, Maurice M. Cahillane, hereby certifies that on August 18, 2005 a true copy of the above document was served upon the attorney of record for each other party, by mailing first class mail, postage prepaid to:

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